

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.*

## New Regulations

### SCHOOL FUNDRAISERS

The STATE BOARD OF EDUCATION adopted emergency amendments to the Part titled "School Food Service" (23 Ill Adm Code 305; 38 Ill Reg 14445), effective 6/25/14 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 38 Ill Reg 14227. The rulemakings implement, in stages, a new U.S. Department of Agriculture rule prohibiting sale of foods that do not meet federal school nutrition guidelines on school premises during the school day, with "infrequent" exceptions for school fundraising purposes (e.g., bake sales) to be established by state education agencies. SBE will allow high schools up to 36 exempted fundraising days during the 2014-15 school year, 18 exempted days in 2015-16, and 9 days per school year thereafter. For non-high schools, 9 fundraising days will be allowed in 2014-15, 4 in 2015-16, and none will be allowed thereafter. Local school districts, student clubs or organizations, parent organizations and booster clubs will be affected by these rulemakings.

Questions/requests for copies/comments on the proposed rulemaking through 8/25/14: Shelley Helton, ISBE, 100 N. First St., S-493, Spfld IL 62777-0001, 217/782-5270, [rules@isbe.net](mailto:rules@isbe.net).

### STATE RETIREES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES filed emergency amendments to the Part titled "State Employees Group Insurance Program Retiree Premium Contributions" (80 Ill Adm Code 2200; 37 Ill. Reg. 14440) effective 7/1/14, to double the amount to be paid by retired State employees and survivors for health insurance. For retirees with primary coverage under the State health insurance program, the amount to be paid shall be 4% (formerly 2%) of the retiree's annuity, and for those under Medicare, the required payment shall be 2% (formerly 1%) of the person's annuity. However, after this emergency rule was filed, the Illinois Supreme Court issued a ruling in *Kanerva v. Weems* holding that retiree health insurance premiums are among the benefits of membership in a retirement system

## Proposed Regulations

### EDUCATOR LICENSURE

The STATE BOARD OF EDUCATION proposed amendments to "Educator Licensure" (23 Ill Adm Code 25; 38 Ill Reg 14081), which address several issues pertaining to continuing education requirements and license renewal. Proposed changes include the following: converting continuing professional development units (CPDUs) to clock hours; requiring licensees to record their professional development activities on ELIS within 60 days after completing the activity; allowing licensees to request an extension for completion of continuing education requirements under certain circumstances; clarifies requirements regarding the approval of continuing ed providers; addresses exemptions to continuing ed requirements; and makes several other changes.

### EVALUATIONS

SBE also proposed amendments to "Evaluation of Certified Employees under Articles 24A and 34 of the School Code" (23 Ill Adm Code 50; 38 Ill Reg 14200) and "Dismissal of Tenured

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**NEW REGULATIONS:** Rules adopted by agencies this week.

**PROPOSED REGULATIONS:** Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

**QUESTIONS/COMMENTS/RULE TEXT:** Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of *The Flinn Report* or the *Illinois Register* will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

# New Regulations

that are protected under the Illinois Constitution. The case, which challenges the constitutionality of the Public Act that authorized this rulemaking, has been remanded to a lower court for further proceedings and may prevent enforcement of this emergency rule.

Questions/requests for copies: Tyson Rothermich, DCMS, 801 S. 7th St., Fl. 6-M, Spfld IL 62703, 217/557-0600, [tyson.rothermich@illinois.gov](mailto:tyson.rothermich@illinois.gov).

## COMMUNITY CARE

The DEPARTMENT ON AGING (DonA) adopted amendments to the Part titled "Community Care Program" (89 Ill Adm Code 240; 38 Ill Reg 1408), effective 6/25/14, adding automated medication dispenser (AMD) services to the core services provided to participants in the Community Care Program (CCP). An AMD is defined as a portable, mechanical system that can be programmed to dispense medication, alert its user to take prescription medications, or notify the user or another party of a missed dose. AMD units will be linked to Department-approved support centers through telephone or wireless connections. The rulemaking includes criteria for AMD providers, criteria for approving AMD service to a CCP participant, minimum requirements for an AMD system, and provisions for reimbursing AMD providers. Since 1st Notice DonA has clarified procedures for establishing reimbursement rates. Those affected by this rulemaking include home care provid-

ers, AMD providers and agencies serving the elderly.

Questions/requests for copies: Karen Alice Kloppe, DonA, One Natural Resources Way, Springfield IL 62702, 217/785-3346.

## VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to "Video Gaming (General)" (11 Ill Adm Code 1800; 37 Ill Reg 19812), effective 6/30/14. The rulemakings clarify that rules for use agreements apply to any agreement regarding the placement of video gaming terminals made between licensed terminal operators who are licensed by IGB at the time of the agreement and a licensed establishment. Since 1<sup>st</sup> Notice IGB has removed all provisions creating a Video Gaming Exclusion List of persons barred from video gaming licensure or business. (IGB did not have statutory authority to establish such a list.)

Questions/requests for copies: Emily Mattison, Illinois Gaming Board, 160 N. LaSalle St, Chicago, IL 60601, 312/814-7253, [emily.mattison@igb.illinois.gov](mailto:emily.mattison@igb.illinois.gov).

## LOCAL SALES TAXES

The DEPARTMENT OF REVENUE adopted amendments to 10 Parts: "Home Rule County Retailers' Occupation Tax" (86 Ill Adm Code 220, 38 Ill Reg 6549); "Home Rule Municipal Retailers' Occupation Tax" (86 Ill Adm Code 270; 38 Ill Reg 6562); "Regional

Transportation Authority Retailers' Occupation Tax" (86 Ill Adm Code 320; 38 Ill Reg 6575); "Metro East Mass Transit District Retailers' Occupation Tax" (86 Ill Adm Code 370; 38 Ill Reg 6588); "Metro-East Park and Recreation District Retailers' Occupation Tax" (86 Ill Adm Code 395; 38 Ill Reg 6601); "County Water Commission Retailers' Occupation Tax" (86 Ill Adm Code 630; 38 Ill Reg 6614); "Special County Retailers' Occupation Tax for Public Safety" (86 Ill Adm Code 670; 38 Ill Reg 6627); "Salem Civic Center Retailers' Occupation Tax" (86 Ill Adm Code 690; 38 Ill Reg 6640); "Non-Home Rule Municipal Retailers' Occupation Tax" (86 Ill Adm Code 693; 38 Ill Reg 6653); and "County Motor Fuel Tax" (86 Ill Adm Code 695; 38 Ill Reg 6666), all effective 6/25/14. The amendments implement a decision of the Illinois Supreme Court in *Hartney Fuel Oil Co. v. Hamer*, invalidating current regulations that assign sales tax jurisdiction to the location where an individual sale is made. Instead, the new standard is where the general business of selling is located. The amendments are similar to emergency amendments that were effective 1/22/14. Retailers who have entered into agreements with local governments to source the point of sale to their jurisdictions may be adversely affected.

Questions/requests for copies: Paul Berks, DOR, 100 W. Randolph St., 7<sup>th</sup> Floor, Chicago IL 60601, 312/814-4680, fax 312/814-4344.

# Proposed Regulations

Teachers Under Article 24 and Dismissal of Tenured Teachers and Principals Under Article 34 of the School Code" (23 Ill Adm Code 51; 38 Ill Reg 14217) adjusting the implementation of the Performance Evaluation Reform Act (PERA) (PA 96-861).

The amendments to Part 50 lay out detailed requirements for the State Performance Evaluation Model, the Student Learning Objective (SLO) process, and establish clear criteria differentiating between performance evaluation ratings of unsatisfactory, needs improvement, proficient, and excellent. The amendments to Part 51 set forth the requirements for approved performance evaluation training providers.

Questions/requests for copies/comments on the 3 SBE rulemakings through 8/25/14: Shelley Helton, SBE, 100 North First Street, S-493, Spfld, Illinois 62777-

0001, 217/782-5270. Comments may also be e-mailed to: [rules@isbe.net](mailto:rules@isbe.net).

## COMMUNITY BLOCK GRANTS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed an amendment to the Part titled "State Administration of the Federal Community Development Block Grant Program for Small Cities" (47 Ill Adm Code 110; 38 Ill Reg 360). The federal Department of Housing and Urban Development directed DCEO to make rule consistent with changes HUD made in 1992. The amendment requires program income to always be subject to the requirements of HUD's rules before and after close out of the grant that generated that income.

Questions/requests for copies/comments through 8/25/14: Jolene Clarke, DCEO, 500 E. Monroe St. Spfld IL 62701, 217/557-1820, e-mail: [jolene.clarke@](mailto:jolene.clarke@)

[illinois.gov](http://illinois.gov).

## MENTAL HEALTH SERVICES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to the Part titled "Mental Health Services in Nursing Facilities" (89 Ill Adm Code 145; 38 Ill Reg 14076) that implements a new coding system for mental illnesses. The rulemaking states that use of the International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) system to classify mental illnesses will continue until the new ICD-10-CM system is implemented on or after 10/1/14. Long-term care facilities may be affected by this rulemaking.

Questions/requests for copies/comments through 8/25/14: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl. Springfield IL 62763, 217/782-1233, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov).

## Joint Committee on Administrative Rules

**Senator Pamela Althoff**

**Representative Greg Harris**

**Senator Don Harmon**

**Representative Lou Lang**

**Senator Tony Munoz**

**Representative David Leitch**

**Senator Sue Rezin**

**Representative Don Moffitt**

**Senator Dale A. Righter**

**Representative Tim Schmitz**

**Senator Ira Silverstein**

**Representative Andre Thapedi**

**Vicki Thomas  
Executive Director**

# Second Notices

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The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The DHS rulemakings will be considered at JCAR's July 15, 2014 meeting; other rulemakings will be considered at the August 12, 2014 meeting.

## **DEPARTMENT OF CENTRAL MANAGEMENT SERVICES**

"Pay Plan" (80 Ill Adm Code 310) proposed 5/9/14 (38 Ill Reg 9719)

## **DEPARTMENT OF CORRECTIONS**

"County Jail Standards" (20 Ill Adm Code 701) proposed 4/25/14 (38 Ill Reg 8511)

## **DEPARTMENT OF PUBLIC HEALTH**

"Compassionate Use of Medical Cannabis Patient Registry" (77 Ill Adm Code 946) proposed 4/18/14 (38 Ill Reg 8243)

## **DEPARTMENT OF AGRICULTURE**

"Compassionate Use of Medical Cannabis Pilot Program" (8 Ill Adm Code 1000) proposed 4/18/14 (38 Ill Reg 8069)

## **DEPARTMENT OF HUMAN SERVICES**

"Supplemental Nutrition Assistance Program (SNAP)" (89 Ill Adm Code 121) proposed 4/18/14 (38 Ill Reg 8241)

"Temporary Assistance for Needy Families" (89 Ill Adm Code 112) proposed 3/28/14 (38 Ill Reg 7028)

## **ILLINOIS COMMERCE COMMISSION**

"Service Quality and Customer Protection Applicable to Wireless Eligible Telecommunications Carriers" (83 Ill Adm Code 736) proposed 2/28/14 (38 Ill Reg 5441)

"Standards for Service for Local Exchange Telecommunications Carriers" (83 Ill Adm Code 730) proposed 12/27/13 (37 Ill Reg 20562)

## **DEPARTMENT OF REVENUE**

"Retailers' Occupation Tax" (86 Ill Adm Code 130) proposed 4/18/14 (38 Ill Reg 8294)

"Medical Cannabis Cultivation Privilege Tax Law" (86 Ill Adm Code 429) proposed 4/18/14 (38 Ill Reg 8319)

"Income Tax" (86 Ill Adm Code 100) proposed 1/10/14 (38 Ill Reg 832)

## **DEPARTMENT OF LABOR**

"Payment and Collection of Wages or Final Compensation" (56 Ill Adm Code 300) proposed 3/28/14 (38 Ill Reg 7052)

"Employee Classification" (56 Ill Adm Code 240) proposed 1/31/14 (38 Ill Reg 3298)

## **DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**

"Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program" (68 Ill Adm Code 1290) proposed 4/18/14 (38 Ill Reg 8163)